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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lawrence J. Wangh

Art Unit : 1632

Serial No. : 09/226,766

Examiner : D. Crouch

Filed : January 6, 1999

Title : IN VITRO ACTIVATION OF A NUCLEUS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

In response to the action mailed May 23, 2000, Applicant submits the declaration of the inventor, Professor Lawrence J. Wangh of Brandeis University, together with remarks set forth below.

REMARKS

Nuclear transfer claims 87-141 are in the case. Nuclear activation claims 142-156 are subject to a restriction requirement and have been withdrawn from consideration.

All claims 87-141 were rejected on the ground of enablement, 35 U.S.C. Section 112, first paragraph. The principal concern of the Examiner is understood to be whether the nuclear reprogramming disclosed and claimed in this application actually works (Office action page 4: "there is not evidence of record that the method would permit sufficient reprogramming..."); Office Action, page 6: "there has been no showing..."). A further concern of the Examiner is understood to be whether or not the specification contains sufficient guidance of how to carry out the claimed method rather than the "germ of an idea." (Office Action, page 8).

All claims 87-141 were also rejected as indefinite, 35 U.S.C. Section 112, second paragraph, on the basis that the Jepson format is not appropriate in this instance.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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